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HOUSE BILL 2310 By
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SENATE BILL 2490
By Haynes

AN ACT to amend Tennessee Code Annotated, Section 4-3-1304;
Section 62-21-104; Title 63, Chapter 1; Title 68, Chapter
201, Part 1; Section 68-211-111 and Section 69-3-104,
relative to vacancies on certain boards and commissions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-3-1304, is amended by designating the existing language as subsection (a) and by adding a new subsection thereto, as follows:

(b) All vacancies on the state regulatory boards attached to the division of regulatory boards shall be filled by the governor within ninety (90) days of the occurrence of the vacancy. Vacancies not filled within ninety (90) days of their occurrence shall be filled by joint action of the speaker of the senate and the speaker of the house of representatives. Each regulatory board incurring a vacancy shall notify the governor in writing as soon as practicable after the vacancy occurs. The ninety (90) days for the filling of a vacancy shall begin upon delivery of written notice to the governor. The board shall give written notice to the speaker of the senate and the speaker of the house of representatives if the governor does not make an appointment within the time set out in this section.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 1, is amended by adding a new section thereto, as follows:

Section _____. All vacancies on each board, commission, committee, agency or other governmental entity created pursuant to this title shall be filled by the governor within ninety (90) days of the occurrence of the vacancy. Vacancies not filled within ninety (90) days of their occurrence shall be filled by joint action of the speaker of the senate and the speaker of the house of representatives. Each board, commission, committee, agency or other governmental entity created pursuant to this title incurring a vacancy shall notify the governor in writing as soon as practicable after the vacancy occurs. The ninety (90) days for the filling of a vacancy shall begin upon delivery of written notice to the governor. The board, commission, committee, agency or other governmental entity created pursuant to this title shall give written notice to the speaker of the senate and the speaker of the house of representatives if the governor does not make an appointment within the time set out in this section.

SECTION 3. Tennessee Code Annotated, Section 62-21-104(b)(1), is amended by adding the following language to the end thereto:

The board shall notify the governor in writing as soon as practicable after a vacancy occurs. An interim member to fill the unexpired portion of a previous member's term shall be appointed within ninety (90) days of the occurrence of a vacancy. Vacancies not filled within ninety (90) days of their occurrence shall be filled by joint action of the speaker of the senate and the speaker of the house of representatives. The ninety (90) days for the filling of a vacancy shall begin upon delivery of written notice to the governor. The board shall give written notice to the speaker of the senate and the speaker of the house of representatives if the governor does not make an appointment within the time set out in this section.

SECTION 4. Tennessee Code Annotated, Section 68-201-105, is amended by adding a subsection thereto:

() The board shall notify the governor in writing as soon as practicable after a vacancy occurs. An interim member to fill the unexpired portion of a previous member's term shall be appointed within ninety (90) days of the occurrence of a vacancy. Vacancies not filled within ninety (90) days of their occurrence shall be filled by joint action of the speaker of the senate and the speaker of the house of representatives. The ninety (90) days for the filling of a vacancy shall begin upon delivery of written notice to the governor. The board shall give written notice to the speaker of the senate and the speaker of the house of representatives if the governor does not make an appointment within the time set out in this section.

SECTION 5. Tennessee Code Annotated, Section 68-211-111(c), is amended by designating the existing language as subdivision (c)(1) and by adding a new subdivision thereto:

(c)(2) The board shall notify the governor in writing as soon as practicable after a vacancy occurs. An interim member to fill the unexpired portion of a previous member's term shall be appointed within ninety (90) days of the occurrence of a vacancy, except for vacancies of ex officio members. Vacancies in expired and unexpired terms of members that are not filled within ninety (90) days of their occurrence shall be filled by joint action of the speaker of the senate and the speaker of the house of representatives. The ninety (90) days for the filling of a vacancy shall begin upon delivery of written notice to the governor. The board shall give written notice to the speaker of the senate and the speaker of the house of representatives if the governor does not make an appointment within the time set out in this section.

SECTION 6. Tennessee Code Annotated, Section 69-3-104, is amended by adding a new subsection thereto, as follows:

() The board shall notify the governor in writing as soon as practicable after a vacancy occurs. An interim member to fill the unexpired portion of a previous member's term shall be appointed within ninety (90) days of the occurrence of a vacancy, except for vacancies of ex officio members. Vacancies in expired and unexpired terms of members that are not filled within ninety (90) days of their occurrence shall be filled by joint action of the speaker of the senate and the speaker of the house of representatives. The ninety (90) days for the filling of a vacancy shall begin upon delivery of written notice to the governor. The board shall give written notice to the speaker of the senate and the speaker of the house of representatives if the governor does not make an appointment within the time set out in this section.

SECTION 7. This act shall take effect July 1, 2000, the public welfare requiring it.